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9  
 10 UNITED STATES DISTRICT COURT  
 11 [NORTHERN] DISTRICT OF NEVADA

12 DREW RIBAR, Plaintiff,  
 13 v.

14 WASHOE COUNTY, NEVADA; WASHOE  
 15 COUNTY LIBRARY SYSTEM; BUILD OUR  
 16 CENTER, INC.; JEFF SCOTT; STACY  
 17 MCKENZIE; JONNICA BOWEN; LIBRARY  
 18 EMPLOYEE DOE # 1; JENNIFER COLE;  
 19 DEPUTY C. ROTHKIN (Badge No. 4696);  
 20 DEPUTY R. SAPIDA (Badge No. 4663);  
 21 SGT. GEORGE GOMEZ (Badge No. 4066);  
 22 and JOHN/JANE DOES 1-10;

23 Defendants.

24 Case No. 3:24-cv-00526

25  
 26 **DEFENDANT**  
**BUILD OUR CENTER'S**  
**OPPOSITION TO PLAINTIFF'S**  
**MOTION FOR LEAVE TO FILE**  
**FIRST AMENDED COMPLAINT**

27  
 28 Defendant BUILD OUR CENTER INC., by and through its undersigned  
 29 counsel, hereby files its Opposition to *Plaintiff's Motion for Leave to File First*  
*Amended Complaint* [ECF No. 65]. This *Opposition* is made and based upon the  
 30 following memorandum of points and authorities, the pleadings and records on  
 31 file herein, and such other information the Court may wish to consider.

32 DATED April 2, 2025. SIERRA CREST BUSINESS LAW GROUP

33 By:

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**MEMORANDUM OF POINTS AND AUTHORITIES**

1 Plaintiff, Drew Ribar (“Mr. Ribar”), a self-appointed “journalist” and “First  
 2 Amendment auditor” of Washoe County, who also describes himself as “very  
 3 litigious” (see Exhibit 31, recording of the Library Board of Trustees August 21,  
 4 2024, Meeting, at 23:25 [ECF No. 71]), has requested – without showing good  
 5 cause or excusable neglect – leave from the Court to file an amended complaint.  
 6 Mr. Ribar requests to amend his complaint despite having knowledge of the  
 7 underlying facts prior to initiating this action. Indeed, Mr. Ribar has been  
 8 uploading videos to his YouTube Channel, Auditing Reno 911, with the same  
 9 information he includes in his proposed First Amended Complaint, since at least  
 10 September 1, 2024. Regardless, Mr. Ribar’s motions filed with this Court  
 11 demonstrate he had the alleged facts to amend his complaint as early as January  
 12 2025. Yet, he has waited over three (3) months and wholly ignored this Court’s  
 13 Scheduling Order that set a deadline for amending pleadings by no later than  
 14 March 11, 2025.

15 As such, the Court should deny Plaintiff Drew Ribar’s (“Mr. Ribar”) *Motion*  
 16 *for Leave to File First Amended Complaint* [ECF 65]. This *Opposition* also joins  
 17 and incorporates herein the Washoe County Defendants’ *Opposition to Plaintiff’s*  
 18 *Motion for Leave to File First Amended Complaint* upon its filing.

19 **I. LEGAL STANDARD**

20 Because a scheduling order has been entered, whether a court will grant  
 21 a party leave to file an amended complaint is governed by FRCP 16(b), and not  
 22 FRCP 15. “Federal Rule of Civil Procedure 16(b) governs a party’s attempts to  
 23 amend its pleadings once the district court’s deadline for amending pleadings  
 24 has passed.” *United States Equal Employment Opportunity Comm’n v. Bay Club*  
 25 *Fairbanks Ranch, LLC*, 475 F. Supp. 3d 1099, 1101 (S.D. Cal. 2020) (citing  
 26 *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607–08 (9th Cir. 1992)).  
 27

1 The scheduling order “controls the course of the action unless the court modifies  
 2 it.” FRCP 16(d).

3 A party must first show good cause as to why a scheduling order should  
 4 be modified before requesting leave to file an amended complaint. FRCP 16(b) (“A  
 5 schedule shall not be modified except by leave of ... [the district court] upon a  
 6 showing of good cause.”) A motion for leave to amend or add parties filed after  
 7 the expiration of the corresponding deadline also requires a showing of excusable  
 8 neglect. *See Branch Banking & Trust Co. v. DMSI, LLC*, 871 F.3d 751, 764-65 (9th  
 9 Cir. 2017).

10 Only upon satisfying FRCP 16’s requirement will leave to amend be “freely  
 11 given as justice so requires” under FRCP 15(a). *United States Equal Employment  
 12 Opportunity Comm’n*, 475 F. Supp. 3d at 1102. However, if a party was not  
 13 diligent in attempting to meet the scheduling order’s deadlines, the court’s  
 14 inquiry ends and it will not consider an amendment under FRCP 15(a).

15 **II. LEGAL ARGUMENT**

16 Mr. Ribar does not meet the initial threshold for this Court to grant him  
 17 leave to amend his Complaint as he has not established good cause or excusable  
 18 neglect as to why he did not request leave prior to March 11, 2025.

19 **a. The Time to Amend the Complaint and Add Parties Has Passed.**

20 First, Mr. Ribar has wholly ignored the deadlines set forth in the *Stipulated  
 21 Discovery Plan and Scheduling Order Submitted in Compliance With LR 26-1(b)*  
 22 [ECF 31], which states that the deadline for filing a motion to amend pleadings  
 23 or add parties is March 11, 2025. Mr. Ribar did not file his *Motion* until March  
 24 2025, thirteen (13) days after the Scheduling Order’s deadline. Mr. Ribar  
 25 failed to comply with the deadline he stipulated to, and thus the Court should  
 26 deny his *Motion*.

27 / / /

1                   **b. Mr. Ribar Fails to Establish Good Cause to Amend the**  
 2                   **Scheduling Order**

3                   A party must first show good cause as to why a scheduling order should  
 4 be modified before requesting leave to file an amended complaint. FRCP 16(b) ("A  
 5 schedule shall not be modified except by leave of ... [the district court] upon a  
 6 showing of good cause.") "... Rule 16(b)'s good cause standard primarily  
 7 considers the diligence of the party seeking the amendment," *Johnson*, 1992 WL  
 8 220247 (9th Cir. 1992). Good cause is "determined by examining the time  
 9 between the moving party's discovery of new facts and its asking leave of the  
 10 court to file an amended pleading." *United States Equal Employment Opportunity*  
 11 *Comm'n*, 475 F. Supp. 3d at 1102; *Zivkovic v. S. Cal. Edison Co.*, 302 F.3d 1080,  
 12 1087–88 (9th Cir. 2002); *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1294–95  
 13 (9th Cir. 2000). [T]he focus of a court's inquiry is upon the moving party's  
 14 reasons for seeking modification." *Johnson*, 1992 WL 220247 (9th Cir. 1992).

15                  As a primary matter, Mr. Ribar applies an incorrect legal standard and  
 16 fails to establish any good cause to amend the Scheduling Order. Regardless,  
 17 Mr. Ribar has not been diligent in seeking an amended complaint as he has had  
 18 within his possession the facts necessary to amend his complaint as early as  
 19 January 2025, if not earlier.

20                  Mr. Ribar's proposed First Amended Complaint includes: (1) two new  
 21 parties he alleges (without any support or basis) are members of Build Our  
 22 Center, Angeline Peterson and Christopher Daniels (see ECF 65-2 at p. 8 ¶22–  
 23 24);<sup>1</sup> (2) various allegations against Build Our Center including, but not limited

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24  
 25                  1 Other than the fact that Mr. Daniels was the drag queen (Giner Devine) who read  
 26 stories at the time of Mr. Ribar's allegations, it is unclear from the First Amended  
 27 Complaint and its exhibits as to why Mr. Ribar has named Mr. Daniels. Mr. Daniels  
 28 has no apparent connection to Mr. Ribar's causes of action or alleged damages. Of  
 note, Mr. Daniels, at all times herein, has never been a board member or employee of  
 Build Our Center; he is not a proper party to this action.

1 to, that Build Our Center allegedly coordinated with the Washoe County  
 2 Defendants to plan security, restrict access, “reinforce exclusionary policies,”  
 3 and for “limiting public participation” (see Exhibit 2 to the Motion [ECF No. 65-  
 4 2] at pages 10-12); and (3) new causes of action against Build Our Center,  
 5 including intentional infliction of emotional distress (see Exhibit to the Motion  
 6 [ECF No. 65-2] at Page 18 ¶¶ 3-5.)

7 The allegations and “new” parties Mr. Ribar includes in his proposed First  
 8 Amended Complaint are not new facts (or new parties). Knowledge of and  
 9 information about the facts and parties were readily available to him at least as  
 10 early as the time he filed his Complaint, and most certainly by the time he filed  
 11 *Plaintiff’s Opposition to Defendant Build Our Center, Inc.’s Motion to Dismiss* [ECF  
 12 43, the “Dismiss Opposition”] filed on January 8, 2025.<sup>2</sup> In his Dismiss  
 13 Opposition [ECF No. 43], Mr. Ribar includes allegations that Build Our Center,  
 14 through “social media posts, emails, and media reports” established a  
 15 “collaborative relationship” with the Washoe County Defendants and “actively  
 16 participated in discriminatory practices, including event access restrictions and  
 17 retaliatory actions.” See the Dismiss Opposition [ECF No. 43] at Pages 3-4.

18 In this same *Dismiss Opposition*, a couple of his exhibits show that Mr.  
 19 Ribar had knowledge of Mr. Daniel’s alleged participation prior to the Scheduling  
 20 Order deadline. For example, he attaches email correspondence [ECF No. 43-2]  
 21 wherein Christopher Daniels (also known as Ginger Devine) is named with a link  
 22 to YouTube for a promotional video, Mr. Daniels is listed as a reader, and he is  
 23 listed on the email communications. See Dismiss Opposition [ECF 43-2] at Pages  
 24 1-15. He also attaches a *Reno News and Review* Article [ECF 43-3] detailing Mr.  
 25 Daniel’s involvement as a reader.

26 / / /  
 27

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28 <sup>2</sup> Mr. Ribar did not request leave to amend the Complaint in his Dismiss Opposition [ECF No. 43].

1       Then, in *Plaintiff's Opposition to Defendant Build Our Center Inc.'s Motion*  
 2 *for Limited Protective Order to Stay Discovery* [ECF No. 51, the "Stay Opposition"],  
 3 Mr. Ribar includes a section entitled, "Evidence Demonstrates BOC's  
 4 Collaboration with Washoe County," wherein he claims he has evidence that  
 5 Washoe County hosted training at Build Our Center's office and "demonstrates  
 6 BOC's active role in training and preparing participants for Drag Story Hour  
 7 events, underscoring its collaboration with state actors." See the Stay Opposition  
 8 [ECF No. 51] at Page 3.

9       Then, on January 21, 2025, instead of requesting leave to amend his  
 10 Complaint (and having full knowledge of the "new" facts he adds to his First  
 11 Amended Complaint), Mr. Ribar merely filed a *Motion for Leave to File*  
 12 *Supplemental Brief in Opposition to Defendant Build Our Center's Motion to*  
 13 *Dismiss* [ECF No. 54, the "Supplemental Brief Motion"] where he claims he has  
 14 "[n]ewly discovered documents [that] demonstrate significant collaboration  
 15 between BOC and the Washoe County Library System (WCLS) in organizing  
 16 public events, including Drag Story Hour (DSH) and RainbowFest."  
 17 Supplemental Brief Motion [ECF 54] at Page 1. He states his new documents  
 18 show "joint planning and coordination," "event management, security  
 19 arrangements, and funding for Drag Story Hour performances ..." These are the  
 20 same "new" allegations he includes in his proposed First Amended Complaint.  
 21 The exhibits he attaches include emails exchanged between Angeline Peterson  
 22 and the Washoe County Defendants. See Emails [ECF 54-2] at Pages 5-8.

23       In short, Mr. Ribar has waited over three (3) months to request leave to  
 24 amend his complaint, despite having all of the alleged facts available to him in  
 25 early January 2025. Mr. Ribar has not been diligent in seeking an amendment  
 26 and the Court should not reward his dilatory behavior. "If [a] party [is] not  
 27 diligent, the inquiry should end." *Johnson*, 1992 WL 220247 (9th Cir. 1992).

28 / / /

1                   **c. Mr. Ribar has Failed to Show Excusable Neglect**

2                   Pursuant to LR 26-3, if a request to extend a deadline is made “after the  
 3 expiration of the subject deadline,” the movant must also demonstrate “that the  
 4 failure to act was the result of excusable neglect.” “Whether neglect is excusable  
 5 ... depends on at least four factors: (1) the danger of prejudice to the opposing  
 6 party; (2) the length of the delay and its potential impact on the proceedings; (3)  
 7 the reason for the delay; and (4) whether the movant acted in good faith.” *Branch*  
 8 *Banking & Tr. Co. v. D.M.S.I., LLC*, 871 F.3d 751, 765 (9th Cir. 2017) (citing  
 9 *Bateman v. U.S. Postal Serv.*, 231 F.3d 1220, 1223–24 (9th Cir. 2000).

10                  Mr. Ribar’s failure to request leave to amend his Complaint prior to the  
 11 March 11, 2025, deadline should not be excused. He has provided no valid  
 12 reason as to why he waited over three (3) months to amend his Complaint,  
 13 despite having the information to do so as early as January 2025. Furthermore,  
 14 Mr. Ribar’s claim that he acts “in good faith” is a claim that holds little weight;  
 15 it is a claim that he uses as an excuse to hide the objective facts as to his true  
 16 motives in litigating. Mr. Ribar is on a fishing expedition. If the Court permits  
 17 him to amend his Complaint, this will open the door to Mr. Ribar requesting the  
 18 Court re-open discovery as to Build Our Center, which will cause him to engage  
 19 in vexatious discovery practices. The Court should not reward Mr. Ribar by  
 20 providing him with more fuel for his litigious fire. Instead of focusing his efforts  
 21 to “hold the government accountable” through the legislative process, Mr. Ribar  
 22 instead focuses his efforts on harassment and hate by filing frivolous lawsuits  
 23 and promoting his conspiracy theories about the government through his  
 24 YouTube channel (he, of course, will call his vexatious litigation “good faith” and  
 25 part of his duty as an American citizen). Mr. Ribar’s neglect to amend his  
 26 complaint is not excusable.

27                  / / /

28                  / / /

1                   **d. Even if this Court applies FRCP 15(a), Mr. Ribar's Amended**  
 2                   **Complaint Remains Futile**

3                   FRCP 15(a) does not apply. However, if this Court does apply FRCP 15(a),  
 4                   the Court should still deny Mr. Ribar's *Motion for Leave to File First Amended*  
 5                   *Complaint* [ECF No. 65] based on futility. "Leave to amend may be denied if the  
 6                   proposed amendment is futile or would be subject to immediate dismissal."  
 7                   *Carrico v. City & Cnty. of San Francisco*, 656 F.3d 1002, 1008 (9th Cir. 2011);  
 8                   *Gordon v. City of Oakland*, 627 F.3d 1092, 1094 (9th Cir. 2010). An amendment  
 9                   is futile "only if no set of facts can be proved under the amendment to the  
 10                   pleadings that would constitute a valid and sufficient claim or defense."  
 11                   *Barahona v. Union Pac. R.R. Co.*, 881 F.3d 1122, 1134 (9th Cir. 2018) (internal  
 12                   quotations omitted). Mr. Ribar's Complaint still fails to state a claim for relief  
 13                   against Build Our Center; in other words, that Build Our Center, in any capacity,  
 14                   denied him access to Drag Queen Story hour, assaulted him, or blocked his  
 15                   access to the Library's Facebook page. In short, the proposed amendments add  
 16                   nothing to cure the underlying deficiencies of his original complaint.

17                   **e. Build Our Center Requests Attorneys' Fees and Costs for**  
 18                   **Defending this Motion**

19                   Mr. Ribar's delay in seeking amendment is dilatory and inexcusable.  
 20                   Therefore, Build Our Center respectfully requests that, in addition to denying  
 21                   Mr. Ribar's Motion, the Court also grant Build Our Center an award of  
 22                   reasonable attorneys' fees and costs in preparing this Opposition and attending  
 23                   any hearing related thereto. *See Blanchard v. Bergeron*, 489 U.S. 87, 94, 109  
 24                   S.Ct. 939, 103 L.Ed.2d 67 (1989) ("[W]here there are lawyers or organizations that  
 25                   will take a ... case without compensation, that fact does not bar the award of a  
 26                   reasonable fee."); *Voice v. Stormans Inc.*, 757 F.3d 1015, 1017 (9th Cir. 2014)  
 27                   ("Attorneys' fees are recoverable by *pro bono* attorneys to the same extent that  
 28                   they are recoverable by attorneys who charge for their services.")

1                   **III. CONCLUSION**

2                   Ultimately, Mr. Ribar has failed to show good cause or excusable neglect  
3 as to why, despite having the “new” facts within his purview as early as January  
4 2025, he failed to request leave to amend his Complaint by March 11, 2025. The  
5 Court should not reward his dilatory behavior.

6                   As such and based on the above, Build Our Center respectfully requests  
7 the Court deny Mr. Ribar’s *Motion for Leave to File First Amended Complaint* [ECF  
8 65].

9                   DATED: April 2, 2025.                   SIERRA CREST BUSINESS LAW GROUP

10                   By:

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17 *Counsel for Defendant BUILD OUR CENTER*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the SIERRA CREST BUSINESS LAW GROUP who, on the below-written date, caused a true copy of the foregoing to be transmitted via email and also to be filed using the above-entitled Court's electronic filing (CM/ECF) system which will automatically e-serve the same) on the person(s) and/or entity(ies) set forth directly below:

**Drew Ribar**  
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*Plaintiff in propria persona*

**Lindsay L. Liddell** (SBN 14079)  
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*Counsel for Plaintiffs Washoe County and its Library System, Jeff Scott, Stacy Mckenzie, Jonnica Bowen, Jennifer Cole; Deputy C. Rothkin, Deputy R. Sapida, and Sgt. George Gomez*

DATED: April 2, 2025.

/s/ *Mayra Ibarra*

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an employee of the  
SIERRA CREST BUSINESS LAW GROUP